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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

GARY HOFMANN, an individual and
on behalf of all others similarly situated,

Plaintiff,

FIFTH GENERATION, INC., a Texas
corporation; and DOES 1 through 100,
inclusive,

Defendants.

MARC CABRERA, an individual and on
behalf of the general public,

Plaintiff,

vs.

FIFTH GENERATION, INC.,

Defendant.

Civil Action No.: 3:14-cv-02569-JM-JLB

Related to: 3:14-cv-02990-JM-JLB

CLASS ACTION

**PLAINTIFF GARY HOFMANN'S
NOTICE OF WITHDRAWAL OF
MOTION TO STAY RELATED
CASE**

Date: February 16, 2016

Time: 10:00 a.m.

Courtroom: 5D

Judge: Hon. Jeffrey T. Miller

1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF**
2 **RECORD HEREIN:**

3 PLEASE TAKE NOTICE that Plaintiff Gary Hofmann hereby withdraws his
4 Motion to Stay Related Case (Docket No. 77), without prejudice, that is currently
5 set to be heard by this Court on February 16, 2016 at 10:00 a.m.

6 The Motion to Stay Related Case was filed in *Gary Hofmann v. Fifth*
7 *Generation, Inc.*, No. 3:14-cv-02569 (S.D. Cal.) (the *Hofmann Action*”) and
8 sought an order staying the related case of *Marc Cabrera v. Fifth Generation, Inc.*,
9 No. 3:14-cv-02990 (S.D. Cal.) (“the *Cabrera Action*”).

10 Dated: January 8, 2016

DEL MAR LAW GROUP, LLP

11
12 By: /s John H. Donboli
13 JOHN H. DONBOLI
14 DEL MAR LAW GROUP, LLP
15 Attorney for Plaintiff GARY
HOFMANN and all others similarly
situated

16 CUNEO GILBERT & LaDUCA, LLP

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